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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/820,890 | 04/08/2004 | Lamar J. Bennett | 02-223 | 8885 |

7590 04/21/2005
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EXAMINER

ADAMS, GREGORY W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------|-------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/820,890 | BENNETT, LAMAR J. | |
| | Examiner | Art Unit | |
| | Gregory W. Adams | 3652 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/25/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5, line 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 repeats the limitation "support" disclosed in claim 1 verbatim. Thus, it is not clear whether claim 5 is claiming an additional support or the same support.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tantlinger et al. (US 3,572,513) in view of Faustine (US 2,702,139).
5. With respect to claim 1, referring to FIGS. 1-7 Tantlinger et al. disclose an unloading assembly 10 comprising an elongated rail 120, 42, 42' attached to a support frame 24 and running above a holding area 15, trolley system 128 attached to an elongated rail 120, 42, 42', lifting device 210 attached to a trolley system 128, a lifting device 210 attached to a tube 220, support 226 outside of a holding area 15.

Tantlinger et al. do not disclose a stand and telescoping tube. Faustine discloses an unloading assembly comprising a tube 41, 44 having a telescoping member 40, 41, 42, 43 terminating in a first end 44, a support 20 outside of a holding area for supporting a tube second end 44 and coupled to a tube second end 44. Faustine teaches modifying a stand and tube to support a load outside of a loading area to lift and support a particular roll for transport to another location via truck. Col. 1, Ins. 5-35. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an unloading assembly of Tantlinger to include a support and telescoping tube, as per the teachings of Faustine, to lift and support a particular roll for transport to another location via truck.

6. With respect to claim 2, referring to FIGS. 1-7 Tantlinger et al. disclose a support frame 24 which includes column members 16, 18, 20, 22, 24, 34, 36 including opposing column members 16, 18, 20, 22, 24, 34, 36 secured by brace members 16, 18 and column members 16, 18, 20, 22, 24, 34, 36 comprising first column members 22 coupled to second column members 24.

7. With respect to claim 3, referring to FIGS. 1-7 Tantlinger et al. disclose a support frame 24 includes column members 16, 18, 20, 22, 24, 34, 36 and cross-members 40' spanning between column members 16, 18, 20, 22, 24, 34, 36, cross-members 40' wherein cross member 40' includes intermediate members 40' and center connecting member 54, 54'.

8. With respect to claim 4, referring to FIGS. 1-7 Tantlinger et al. disclose an elongated rail 120, 42, 42' comprising an angle member 150, 160, 152, 164 including an

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angle member apex orientated upward and angle member arms 150, 160, 152, 164 orientated downward downwards, tie rods 190, 192 adjoin a rail 120, 42, 42' to a support frame 24.

9. With respect to claim 5, referring to FIGS. 1-7 Tantlinger et al. disclose a trolley system 128 which includes a short angle member 134, 140 having short angle member arms 134, 140 oriented upward, wheels 138, 144 connected to short angle member arms 134, 140 and resting on a rail 120, 42, 42', and a support 226 outside of a holding area for supporting a tube second end 210.

10. With respect to claim 6, Tantlinger discloses a support outside of a holding area but does not disclose a support arm, jack and telescoping stabilizers. Faustine discloses an unloading assembly including a support 20 having a support arm 54, 56 extending from a jack 33 to hold a tube second end 41, 44, a jack 33 supported by a stand 21 having castors 23, 27, a stand 21 having one or more stabilizing legs 70, 71 which telescope. Faustine teaches the modification of a stand outside of a loading area to lift and support a particular roll for transport to another location via truck. Col. 1, Ins. 5-35. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the unloading assembly of Tantlinger to include a support having jack and telescoping stabilizers, as per the teachings of Faustine, to lift and support a particular roll for transport to another location via truck.

11. With respect to claims 7 & 8, Tantlinger et al. disclose a system for unloading a carpet roll from a vehicle comprising a removable support means 24 having cross members 40', means for mounting a longitudinally mobile hoist means 210, mandrel

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means 210, having telescoping member 214, extending from mandrel means first end 214, a telescoping member 214, having means to releasable engage a hoist means 220 first rolling jack means 226, means for moving hoist means rearward 128. Tantlinger et al. does not disclose a second rolling jack means 226. Faustine discloses a first and second rolling jack means 23, 27, 28, 31, 41, 44 to support from two ends a carpet roll outside of a loading area. Col. 1, Ins. 5-35. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the a system for unloading of Tantlinger to include a second rolling jack means, as per the teachings of Faustine, to lift and support a particular roll for transport to another location via truck.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2,177,525 to Henderson

US 2,186,463 to James

US 2,428,144 to Clough

US 3,211,306 to Aage et al.

US 3,325,120 to Brinkman

US 3,750,811 to Anderson

US 3,831,791 to Gonzales

US 3,863,782 to Sandrock

US 6,138,574 to Zaguroli


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gwa


JAMES W. KEENAN
PRIMARY EXAMINER